

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Richard Harvey et al.
Serial No.: 10/648,606
Filing Date: August 25, 2003
Confirmation No.: 4231
Group Art Unit: 2164
Examiner: Alicia M. Lewis
Title: WEB SERVICES APPARATUS AND METHODS

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

REPLY BRIEF

Pursuant to 37 C.F.R. § 1.193, Appellants respectfully file this Reply Brief in response to the Examiner's Answer dated November 15, 2010.

ARGUMENTS

Appellants filed an Appeal Brief on August 26, 2010, explaining clearly and in detail why the rejections of the claims in the Final Office Action are improper. While Appellants appreciate the Examiner's thoughtful consideration of this case and the Examiner's response in the Examiner's Answer dated November 15, 2010, Appellants respectfully submit that these rejections continue to be improper and should be reversed by the Board. To reduce the burden on the Board, Appellants specifically address only the section of the Examiner's Answer directed to Appellants' arguments in the Appeal Brief. The remaining portions of the Examiner's Answer have already been addressed in Appellants' Appeal Brief.

I. The alleged *Gadbois-Hacher*/combination fails to teach or suggest all limitations of Claim 1

Claim 1, for example, is patentable at least because the cited references fail to teach or suggest "a directory module that implements a Universal Description, Discovery, and Integration (UDDI) registry in a Lightweight Directory Access Protocol (LDAP) directory." In the Final Office Action, the Examiner contends that *Gadbois* discloses this limitation. *See Final Office Action*, Pages 3 and 13. As discussed in Appellants' Appeal Brief, *Gadbois* discloses a separate UDDI registry server that may access a directory server to retrieve information that may be used in the separate UDDI registry server but *Gadbois* does not disclose a UDDI registry **implemented** in a directory, much less an LDAP directory. *See Gadbois*, Figure 1, paragraph 22. The Examiner's Answer fails to address this argument. Instead, the Examiner concludes that *Gadbois* discloses this limitation because, according to the Examiner, *Gadbois* discloses a UDDI registry server and a separate a directory server (which the Examiner contends may be an LDAP directory server). *See Examiner's Answer*, Page 14. Appellants submit that the mere disclosure of a directory server and a separate UDDI registry server does not teach or suggest implementing a UDDI registry in an LDAP directory. In fact, *Gadbois* teaches the opposite by storing the UDDI registry separate from directory servers. *See Gadbois*, Figure 1, paragraph 22. To the extent that the Examiner is arguing that *Gadbois* discloses this limitation simply because *Gadbois* allegedly discloses that the directory server may store data that may be accessed by a separate UDDI registry, Appellants submit that this argument fails at least because *Gadbois* does not teach or suggest that the directory includes the structural relationships that define a UDDI registry, such as "at

least one User object in the LDAP directory based on a UDDI account, wherein the at least one Business Entity object is arranged under the at least one User object in the LDAP directory," recited in Claim 1.

Thus, the cited references fail to teach or suggest, expressly or inherently, every element of Claim 1. Claim 1 is thus allowable for at least these reasons. Accordingly, Appellants respectfully request reconsideration and allowance of Claim 1.

II. The alleged *Perkins-Martinez-Gadbois* combination fails to teach or suggest all limitations of Claim 8

Claim 8, for example, is patentable at least because the alleged *Perkins-Martinez-Gadbois* combination fails to teach or suggest "a directory module that implements a Universal Description, Discovery, and Integration (UDDI) registry in a Lightweight Directory Access Protocol (LDAP) directory." In the Final Office Action, the Examiner contends that *Gadbois* discloses this limitation. See *Final Office Action*, Page 8. As discussed in Appellants' Appeal Brief and above, *Gadbois* discloses that a separate UDDI registry server may access a directory server to retrieve information that may be used in the separate UDDI registry server but *Gadbois* does not disclose a UDDI registry **implemented** in a directory, much less an LDAP directory. See *Gadbois*, Figure 1, paragraph 22. Again, the Examiner's Answer fails to address this argument and maintains the rejection for the same conclusory reasons recited in the Final Office Action. For at least the reasons above and those in Appellants' Appeal Brief, Appellants submit that *Gadbois* fails to disclose, teach, or suggest "a directory module that implements a Universal Description, Discovery, and Integration (UDDI) registry in a Lightweight Directory Access Protocol (LDAP) directory," as recited in Claim 8.

Thus, the cited references fail to teach or suggest, expressly or inherently, every element of Claim 8. Claim 8 is thus allowable for at least these reasons. Accordingly, Appellants respectfully request reconsideration and allowance of Claim 8.

III. The alleged *Perkins-Hacherl-Murto* combination fails to teach or suggest all limitations of Claim 8

Claim 8, for example, is patentable at least because the alleged *Perkins-Hacherl-Murto* combination fails to teach or suggest "a directory module that implements a Universal Description, Discovery, and Integration (UDDI) registry in a Lightweight Directory Access

Protocol (LDAP) directory," as recited by Claim 8. In the Final Office Action, the Examiner concedes that *Perkins* and *Hacherl* do not disclose this limitation. *See Final Office Action*, Page 11. Instead, the Examiner contends that *Murto* discloses this limitation. As discussed in Appellants' Appeal Brief, *Murto* discloses mobile phones that access a separate UDDI registry but does not disclose implementing a UDDI registry in an LDAP directory.

In an attempt to explain how that the teachings of *Perkins*, *Hacherl*, and *Murto* disclose this limitation, the Examiner resorts to speculation and improper hindsight reconstruction of Appellants' claims. *See Examiner's Answer*, Page 15. For example, the Examiner concludes that *Hacherl* discloses an LDAP directory, *Perkins* discloses a directory module, and *Murto* discloses a UDDI registry and, therefore, the combination teaches "a directory module that implements a Universal Description, Discovery, and Integration (UDDI) registry in a Lightweight Directory Access Protocol (LDAP) directory." *See Examiner's Answer*, Page 15. Appellants submit that this is improper at least because the Examiner appears to have merely pieced together disjointed portions of unrelated references, using Appellants' claims as a blueprint, and concluded that the combination of those portions renders Appellants' claims obvious without any rational explanation.

Indeed, the Examiner offers only conclusory statements as to why one of ordinary skill in the art would be motivated to combine references that separately teach an LDAP directory, a directory module, and a UDDI registry to arrive at a UDDI registry **implemented** in a directory, much less an LDAP directory. In fact, the inadequate explanation offered by the Examiner for combining these references does not even mention a directory, much less an LDAP directory, stating that the combination would enable "a UDDI registry defined in an XML schema of hierarchical relationships to be used for describing business information service information, binding information and information about specifications and services" and "geographically focuses [sic] UDDI search, and thus provide a user with business/service information in a region or location relating to the user's location." *See Final Office Action*, Page 11. This explanation fails to address Appellants' argument that the cited references do not teach or suggest implementing a UDDI registry in an LDAP directory. Instead, the Examiner's conclusory analysis exhibits hindsight reconstruction of Appellants' claims, using Appellants' claims as a blueprint, that is prohibited by the M.P.E.P. and controlling Federal Circuit case law. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385, 1396 (2007) (explaining that "[r]ejections on obviousness grounds

cannot be sustained by mere conclusory statements."). Appellants submit that the Examiner's rejections are improper for at least this reason.

Claim 8, as another example, is patentable also at least because the alleged *Perkins-Hacherl-Murto* combination fails to teach or suggest generating "at least one User object in the LDAP directory . . . wherein the at least one User object comprises security information defining what objects a user has access to in the LDAP directory." In the Final Office Action, the Examiner alleges that *Hacherl* discloses this limitation. *Final Office Action*, Page 10. As discussed in Appellants' Appeal Brief, *Hacherl* discloses a user account in an operating system but does not disclose **generating a User object in a directory** that defines objects a user has access to in the **directory**. The Examiner's Answer fails to address this argument. Instead, the Examiner suggests that *Hacherl* teaches a user object that includes security information, but this argument misses the mark. Even assuming for the sake of argument that a user account in an operating system includes security information (which Appellants do not concede), a user account in an operating system fails to teach or suggest **generating a User object in a directory** that defines what objects a user has access to in the **directory where the user object is located**. Thus, *Hacherl* does not teach or suggest "a registry in which businesses may register . . . comprising . . . at least one User object, wherein . . . the at least one User object comprises security information defining what objects a user has access to in the hierarchical directory."

Finally, to the extent that the Examiner is asserting that arguments such as those presented in Appellants' Appeal Brief with regard to the deficiencies of the cited references constitute an improper attack on an individual reference when the rejection is based on a combination of references, Appellants respectfully disagree and note that the Examiner's reliance on *In re Keller*, 642 F.2d 413, is misplaced. *Keller* addressed the issue of whether an individual reference suggested the combination proposed by the examiner, not whether specific limitations were taught by any of the references. Here, the Examiner fails to establish a *prima facie* case because the references do not, individually or in combination, disclose one or more elements of the present claims.

Thus, the cited references fail to teach or suggest, expressly or inherently, every element of Claim 8. Claim 8 is thus allowable for at least these reasons. Accordingly, Appellants respectfully request reconsideration and allowance of Claim 8.

IV. The alleged *Perkins-Hacher-Murto* combination fails to teach or suggest all limitations of Claim 9

Claim 9, for example, is patentable at least because the cited references fail to teach or suggest generating "at least one Binding Template object, wherein the at least one Binding Template object comprises data identifying a plurality of service specifications." In the Final Office Action, the Examiner alleges that *Murto* discloses this limitation. *See Final Office Action*, Page 12. As discussed in Appellants' Appeal Brief, *Murto* merely discloses a registry search menu presented to a user of a mobile phone. Appellants respectfully submit that the Examiner's reliance on *Murto* is deficient at least because a menu option in a phone with the text "BINDING TEMPLATE DATA" as disclosed by *Murto* does not teach or suggest a Binding Template object generated by a directory module in a directory. Moreover, *Murto* explains that the menu selection does not include any data, but is merely used to explore and examine data on a separate server. *See Murto*, Paragraph 59. Thus, the Examiner's argument that the menu selection with the text "BINDING TEMPLATE DATA" as disclosed by *Murto* discloses the claimed Binding Template object fails at least because the menu selection itself does not include data identifying a plurality of service specifications. Thus, the cited references do not teach or suggest "at least one Binding Template object, wherein the at least one Binding Template object comprises data identifying a plurality of service specifications."

Thus, the cited references fail to teach or suggest, expressly or inherently, every element of Claim 9. Claim 9 is thus allowable for at least these reasons. Accordingly, Appellants respectfully request reconsideration and allowance of Claim 9.

V. The alleged *Perkins-Hacher-Murto* combination fails to teach or suggest all limitations of Claim 10

Claim 10, for example, is patentable at least because the cited references fail to teach or suggest generating "at least one TModel object, wherein the at least one TModel object comprises a keyed reference to the at least one Binding Template object, and the at least one TModel object is arranged under the at least one User object." In the Final Office Action, the Examiner alleges that *Murto* discloses this limitation. *See Final Office Action*, Page 12. As described above and discussed in Appellants' Appeal Brief, *Murto* merely discloses a registry search menu presented to a user of a mobile phone. Appellants respectfully submit that the Examiner's reliance on *Murto* is deficient at least because a menu option in a phone with the text "T_MODEL DATA" as disclosed by *Murto* does not teach or suggest a TModel object

generated by a directory module in a directory. Moreover, as explained above, *Murto* explains that the menu selection does not include any data, but is merely used to explore and examine data on a separate server. *See Murto*, Paragraph 59. Thus, the Examiner's argument that the menu selection with the text "T_MODEL DATA" as disclosed by *Murto* discloses the claimed TModel object fails at least because the menu selection itself does not include a keyed reference to the at least one Binding Template object.

To the extent that the Examiner is arguing that Paragraphs 61-63 of *Murto* disclose the claimed TModel object, Appellants submit that this is improper at least because Paragraphs 61-63 of *Murto* describe data residing on a separate UDDI registry—not the mobile phone and associated menu selection option cited by the Examiner as the alleged TModel object arranged under at least one User object. That is, even assuming for the sake of argument that the menu text "T_MODEL DATA" disclosed in Paragraph 56 of *Murto* is arranged under a User object (which Appellants do not concede and demonstrated in the Appeal brief that it is not), Appellants submit that any reliance by the Examiner on data disclosed in *Murto* in Paragraphs 61-63 to teach the claimed TModel object is impermissible because this data is stored separate from the mobile phone and menu text relied on by the Examiner to disclose the hierarchical and structural relationships in the claimed UDDI registry implemented in the LDAP directory.

Moreover, even if the Examiner's reliance on Paragraphs 61-63 is proper (which, as Appellants demonstrated above, it is not), the Examiner's reliance on this cited portion of *Murto* is deficient also at least because at no point does *Murto* teach or suggest that the tModel object in the UDDI registry **includes a keyed reference to a Binding Template object**. Instead, Paragraph 63 of *Murto* merely explains that a bindingTemplate XML element may include a pointer to the tModel data. Appellants respectfully submit that a pointer in a bindingTemplate XML element in no way teaches or suggests the claimed TModel object that includes a keyed reference to the at least one Binding Template object.

Thus, the cited references fail to teach or suggest, expressly or inherently, every element of Claim 10. Claim 10 is thus allowable for at least these reasons. Accordingly, Appellants respectfully request reconsideration and allowance of Claim 10.

VI. The alleged *Gadbois-Hacherl* combination fails to teach or suggest all limitations of Claims 2-5

The Examiner rejects Claims 2-5 under 35 U.S.C. § 103(a) as being unpatentable over *Gadbois* in view of *Hacherl*. Although Appellants believe that these claims include limitations not disclosed in the cited references, Appellants submit that these claims are allowable at least because these claims depend from one of the allowable independent claims discussed above. For at least these reasons, Appellants respectfully contend that Claims 2-5 are patentably distinguishable from the cited references.

CONCLUSION

Appellants have demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellants respectfully request the Board to reverse the final rejections and instruct the Examiner to issue a Notice of Allowance with respect to all pending claims.

No fees are believed due; however, the Commissioner is authorized to charge any additional fees or credits to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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